

Message

From: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
Sent: 10/17/2019 9:53:32 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]
Subject: FW: Nez Perce Tribe Response re Stibnite Mine Site
Attachments: 2019-10-14 Elizabeth McKenna, EPA - Nez Perce Tribe response re Stibnite Mine Site.pdf

FYI – we will be getting a briefing paper, but wanted you to have this update.

Michelle L. Pirzadeh
Deputy Regional Administrator
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From: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>
Sent: Thursday, October 17, 2019 10:34 AM
To: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Wernitz, James <Wernitz.James@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>
Subject: RE: Nez Perce Tribe Response re Stibnite Mine Site

Hi Michelle. I can contact Midas and the Tribes to try to make that happen. We have not yet worked out the details of the involvement of the Tribes and funding for their participation, so I am not sure if the Tribes will be willing to meet on such short notice. I was informed by the Shoshone Bannock's attorney yesterday that a letter will be sent to Chris soon requesting involvement in the negotiation. I'll see what I can do to get a meeting set up as quickly as possible.

Elizabeth

Elizabeth McKenna | Assistant Regional Counsel
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Seattle, WA 98101
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From: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Sent: Thursday, October 17, 2019 10:01 AM
To: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>; Wernitz, James <Wernitz.James@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>
Subject: RE: Nez Perce Tribe Response re Stibnite Mine Site

They have asked for 10/29 for a meeting. Could the meeting to resume the negotiations happen before then?

Michelle L. Pirzadeh

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From: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>
Sent: Wednesday, October 16, 2019 9:17 AM
To: Werntz, James <Werntz.James@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>
Subject: RE: Nez Perce Tribe Response re Stibnite Mine Site

I can develop a briefing paper that describes the negotiation process over the past year. We do not have a draft administrative order on consent yet. We have a draft statement of work that is in the process of being negotiated. I will attach the SOW to my briefing paper. I had a conversation on Friday with Brad Marten (one of Midas' attorneys). He said that Michael Bogart is frustrated by the lack of progress in the negotiations. The delay could not be helped. We needed to pause the negotiations to allow the Nez Perce Tribe to consult with EPA and to make a decision about the level of participation in the negotiations. Do we have a date for the meeting with Midas so that I can time the development of the briefing paper appropriately?

- Elizabeth

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From: Werntz, James <Werntz.James@epa.gov>
Sent: Wednesday, October 16, 2019 8:53 AM
To: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>
Subject: FW: Nez Perce Tribe Response re Stibnite Mine Site

Michelle: I'm responding to your note to Patty, and I'm sure she'll get back to you with the meeting history.

I recall that Chris has met with Midas representatives at least a couple times. There has been a delay in negotiations caused by the Nez Perce Tribe's deliberations on whether/not to be a signatory – this is probably the main reason the company wants to come back.

The letter attached came in this week, and addressed the Tribe's decision not to be a signatory, and their interest in a cooperative agreement with EPA.

Let me know if you have any other questions. Jim

James H. Werntz, Director
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From: McKenna, Elizabeth <McKenna.Elizabeth@epa.gov>
Sent: Tuesday, October 15, 2019 6:32 PM
To: Werntz, James <Werntz.James@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Hood, Lynne <Hood.Lynne@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Cc: Castanon, Lisa <Castanon.Lisa@epa.gov>
Subject: FW: Nez Perce Tribe Response re Stibnite Mine Site

FYI. I am forwarding you a letter from the Nez Perce Tribe regarding its decision not to be a signatory to any agreement we may reach with Midas. The Tribe is also seeking a cooperative agreement with us to fund the consultative role that they would like to assume.

Elizabeth

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From: Lisa Anderson <lisaa@nezperce.org>
Sent: Monday, October 14, 2019 2:22 PM
To: McKenna, Elizabeth <McKenna.Elizabeth@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Mike Lopez <mlopez@nezperce.org>
Subject: Nez Perce Tribe Response re Stibnite Mine Site

Ms. Elizabeth McKenna:

Attached is the October 14, 2019, letter from Michael A. Lopez, Office of Legal Counsel for the Nez Perce Tribal Executive Committee, regarding the Stibnite Mine site. Please let me know if you have any problems accessing the attachment, which consists of 2 pages.

Thank you.

Lisa Anderson
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